

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
KEN PARAISON,

Petitioner,

-against-

ERIC HOLDER, JR., ATTORNEY GEN., et al.,

Respondents.  
-----X

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 5/26/10

09 Civ. 10283 (RMB) (FM)

**ORDER**

On March 23, 2010, Magistrate Judge Frank Maas, to whom this matter had been referred, issued a report and recommendation ("Report") recommending that the Court grant Respondents' application, dated March 22, 2010, to dismiss as moot the petition, dated November 2, 2009, which had sought Petitioner's release from detention pursuant to 28 U.S.C. § 2241. (Report at 2; see also Petition at 3.) Judge Maas properly determined that Petitioner "is no longer in [U.S. Immigration and Customs Enforcement] custody" and, consequently, that "his petition challenging the constitutionality of that detention has been rendered moot." (Report at 2); see Karamoke v. U.S. Homeland Sec., No. 09 Civ. 4089, 2009 WL 2575886, at \*1 (S.D.N.Y. Aug. 20, 2009) ("When a habeas petitioner challenges solely his detention, but is subsequently released prior to removal, courts routinely dismiss the petition as moot, finding no persisting case in controversy."); Masoud v. Filip, No. 08 Civ. 6345, 2009 WL 223006, at \*6 (W.D.N.Y. Jan. 27, 2009). To date, neither party has filed objections to the Report.

**Order**

For the reasons stated herein and in the Report, the Report is adopted in its entirety and the Petition is denied as moot. The Clerk of Court is respectfully requested to close this case.

Dated: New York, New York  
May 26, 2010

*RMB*

Richard M. Berman, U.S.D.J.